

Please insert the enclosed Sequence Listing (pages 1 and 2) at the end of the application.

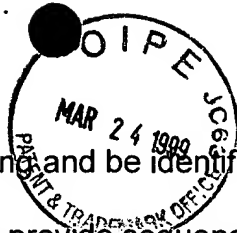
REMARKS

In the February 2, 1999, Office Action, the Examiner stated that "this application fails to comply with the requirements of 37 CFR 1.821 through 1.825." Office Action at page 2, first paragraph. A copy of the February 2, 1999, Office Action is enclosed. Specifically, the Examiner alleged that "[m]oreover, in that no conception for any random fusion proteins is apparent on pages 44-45 of the specification ... , any new sequences added to the specification after October 1, 1990 must comply with the SEQUENCE RULES." Id.

Applicants amended the specification to provide sequence identifiers for the sequences that were added to the specification after October 1, 1990. The subject application is a divisional of U.S. Serial No. 08/212,660, filed March 11, 1994, which is a continuation application of U.S. Serial No. 08/087,021, filed July 6, 1993, which is a continuation of U.S. Serial No. 07/710,728, filed June 3, 1991, which is a continuation-in-part application of U.S. Serial No. 07/501,904, filed March 29, 1990, which is a continuation-in-part of U.S. Serial No. 07/355,027, filed May 19, 1989. The sequences in the enclosed Sequence Listing, were first disclosed in U.S. Serial No. 07/710,728, filed June 3, 1991. The sequence disclosed on page 44 of the specification was present in patent application, U.S. Serial No. 07/501,904, filed March 29, 1990, which is before October 1, 1990. Thus, that sequence does not need to appear in the Sequence Listing. Therefore, only those sequences that appeared first in U.S. Serial No. 07/710,728, i.e., disclosed on page 97 and Figure 32, need to be appear in a

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Sequence Listing and be identified with sequence identifiers. Applicants amended the specification to provide sequence identifiers for those sequences. Applicants also amended the specification to insert the Sequence Listing. Applicants further amended the application by adding the Sequence Listing (pages 1 and 2) to the end of the application. Accordingly, no new matter has been introduced to the specification, and Applicants request entry of the amendments.

A computer readable form and a paper copy of the "Sequence Listing" (pages 1 and 2) are enclosed. Further, I hereby state that the content of the paper copy and the computer readable form of the Sequence Listing submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same. I hereby state that the paper copy and the computer readable form introduce no new matter and conform with standard Patent and Trademark Office requirements for the Sequence Listing in accordance with 37 C.F.R. §§ 1.821-1.825.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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By: 

Ja K. Moon
Reg. No. 42,010

Dated: March 23, 1999

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
803,954	02/21/97	LANGLEY	K 0109063/004

HM12/0202
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EXAMINER

HAYES, R

ART UNIT PAPER NUMBER

1645

DATE MAILED: 02/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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FINNEGAN, HENDERSON, FARABOW,
GARRETT AND DUNNER, LLP

Docketed 2/4/99 Attorney mpb/shm
Case 6853-9-08
Due Date 3/2/99 w/ ext
Action Sequence Listing Due (1 month)
By WTH

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/903954 08212660			

RCM
1/29/99

EXAMINER	
ART UNIT	PAPER NUMBER
	13

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. It should be noted that 37 CFR 1.821 (a)(2)(c-d) states that each sequence disclosed must appear separately in the "Sequence listing" and in the text of the description and claims (i.e., where first mentioned in the specification). See MPEP 2431. Moreover, in that no conception for any random fusion proteins is apparent on pages 44-45 of the specification (i.e., as it relates to new claim 1), any new sequences added to the specification after October 1, 1990 must comply with the SEQUENCE RULES, and must be claimed as a SEQ. ID NO. versus being claimed as truncations of Figure 2. It is noted that this application is a continuing application from 06/03/91, and requires compliance with the SEQUENCE RULES. SEE MPEP 2421.01.

Any inquiry concerning this communication should be directed to Examiner Robert C. Hayes, Art Unit 1645, whose telephone number is 703-305-3132.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

RCM
Robert C. Hayes, Ph.D.
January 29, 1999

ANTHONY C. CAPUTA
PRIMARY EXAMINER

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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